

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

CR NO. 04-10299-PBS

RICARDO ESTRADA

DEFENDANT'S SENTENCING MEMORANDUM

Defendant Ricardo Estrada, by his attorney, submits that a fair and just sentence for him is 60 months imprisonment, supervised release of 5 years, and no fine due to his present lack of resources or ability to pay a fine.<sup>1</sup>

Mr. Estrada submits that his role in this conspiracy was no more than the delivery person for the cocaine seized at the motel in Peabody on May 1, 2004. Notwithstanding months of investigation and hundreds of hours of Title III intercepted conversations on several telephone lines, Mr. Estrada was never intercepted and was never referenced in any conversation other than inferentially as the person who would be driving the cocaine into Massachusetts. Accordingly, he should receive a decrease in his total offense level per §3B1.2.

Mr. Estrada submits that with proper consideration of the safety valve and role in offense adjustments, his total offense level is 27 (if a minimal participant). The corresponding advisory guideline range is 70-87 months.

Additionally, Mr. Estrada has maintained a strong and supportive relationship with his children. When traveling away from his home in California working as a long haul truck driver,

---

<sup>1</sup>Defendant anticipates that at the time of sentencing he will have satisfied the 'safety valve' provisions of §5C1.2

he spoke with his children by telephone; and he always provided financial support for his family. This factor, together with this being a first offense, suggests that Mr. Estrada properly receive downward departure from the advisory guidelines based on his family circumstances and aberrant behavior.

The above factors also support a sentence less than the advisory guidelines and consistent with the legislative direction of 18 U.S.C. §3553(e).

RICARDO ESTRADA  
By his attorney,

/s/ Elliot M. Weinstein  
Elliot M. Weinstein  
BBO #520400  
228 Lewis Wharf  
Boston, MA 02110  
617-367-9334

May 23, 2006